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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL DIVERSITY,) CIVIL NO. 05-00862 JCS
et al,)

Plaintiffs,)

v.)

JONATHAN JARVIS, et al.,)

Defendants.)

STIPULATION AND ~~PROPOSED~~ ORDER

WHEREAS by letter dated April 5, 2005, Mary Martin, Superintendent, Mojave National

1 Preserve, withdrew the permission she had previously given the California Department of Fish and
2 Game to convert certain wells to watering devices for game animals;

3 WHEREAS Defendants believe that the Superintendent's withdrawal of permission has made
4 the case moot, but Plaintiffs disagree with that conclusion;

5 WHEREAS Defendants due date for answering or otherwise responding to the complaint is
6 May 9, 2005;

7 WHEREAS at the May 6, 2005, Case Management Conference the Court decided to stay the
8 case and the Case Management Order filed May 9, 2005, provides that the case is stayed for 60 days;

9 WHEREAS the parties agree that if Defendants prevail on their view that the case is moot the
10 case would be dismissed without the need for Defendants to file an answer;

11 NOW THEREFORE, the parties stipulate that the filing of an answer or other response to the
12 complaint be stayed until 30 days after a final ruling on whether this case is moot.

13 Respectfully submitted,

14 Date: 7/8/05

s/John Buse
JOHN BUSE

16 Attorneys for Plaintiffs

17 KEVIN V. RYAN
United States Attorney

19 Date: 7/8/05

s/James A. Coda
JAMES A. CODA
Assistant United States Attorney

21 Attorneys for Defendants

22 Defendants' counsel attests that the wording of this document is acceptable to plaintiffs'
23 counsel.

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Date: July 11, 2005

/s/ Joseph C. Spero
JOSEPH C. SPERO
United States Magistrate Judge